

HB 757 - AS INTRODUCED

2025 SESSION

25-0884

09/11

HOUSE BILL **757**

AN ACT relative to tip pooling and sharing and automatic service charges.

SPONSORS: Rep. M. Cahill, Rock. 10

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill:

I. Provides that employers administering a tip pooling or sharing arrangement must include an example of the arrangement in its documentation. It further provides that the employer must provide a written notice to the employee, and specifies the content of that notice.

II. Requires certain employers using a service charge to disclose the allocation of that charge on an itemized receipt given to the customer.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to tip pooling and sharing and automatic service charges.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Tip Pooling and Sharing. Amend RSA 279:26-b, II to read as follows:

2 II. No employer is precluded from administering a valid tip pooling or tip sharing
3 arrangement, including suggesting reasonable and customary practices, documenting agreed upon
4 practice, ***to include an example of said practice***, and mediating disputes between employees
5 regarding a valid tip pooling or tip sharing arrangement, provided that the employer does not
6 require or coerce employees to participate in the tip pooling or tip sharing arrangement, ***and that***
7 ***the employer provides written notice of any current arrangement regarding tip pooling or***
8 ***tip sharing and the employee acknowledges in writing receipt of such notice. The notice***
9 ***shall state that employee participation in tip pooling or tip sharing is voluntary and which***
10 ***staff to share with is at the discretion of the employee who may opt out on any shift.***

11 2 New Section; Automatic Service Charges. Amend RSA 279 by inserting after section 26-b the
12 following new section:

13 279:26-c Automatic Service Charges.

14 I. As used in this section, "automatic service charge" means a separately designated, fixed
15 percentage amount collected by employers from customers that is for services provided by employees,
16 or is described in such a way that customers might reasonably believe that the amounts are for such
17 services.

18 II. An employer that applies a service charge for the sale of food, beverage, or entertainment
19 services shall disclose in an itemized receipt provided to the customer the percentage of the
20 automatic service charge that is paid or is payable directly to the employee or employees serving the
21 customer. If any portion of the service charge is not going directly to the employee or employees
22 serving the customer, the receipt shall state for what purposes any such portion is being allocated.

23 3 Effective Date. This act shall take effect 60 days after its passage.